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Written statement* submitted by the Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[09 August 2018]

* Issued as received, in the language(s) of submission only.

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Please recycle

On Violations of the Rights of the Ukrainian Orthodox Church

1. About the Submitting NGO and the sources of evidence of the rights violations.

Since 2015, our organization have been monitoring the observance of the rights and freedoms of believers of the Ukrainian Orthodox Church (UOC) in the Lvov, Rovne, Ternopol, Volyn, Kiev, Zhitomir, Nikolayev, Kherson, Khmelnitsky, Vinnytsia regions. As a result, we have established numerous facts of violations of the rights of the UOC. The findings of our work are confirmed by the following:

- A statement on current stance with human rights in Ukraine over 16 November 2015 – 15 February 15, 2016 by the Office of the United Nations High Commissioner for Human Rights[1] (Para. 119-120);
- A report of the US State Department on Religious Freedom in the World of 2015[2];
- Bulletin of the OSCE SMM during the monitoring period[3];
- Reports of human rights organizations[4];
- Human Rights Council Working Group on the Universal Periodic Review Twenty-eighth session Geneva, 6-17 November 2017[5].

2. Hate speeches and incitement to perpetration of crimes with regard to the UOC believers.

Hate mongering in relation to the Ukrainian Orthodox Church is regretfully of systemic nature and lacks due assessment by the state power bodies. Even direct calls to committing grievous offences with regard to the UOC believers do not lead to any response on the part of the law enforcement authorities.

For instance, deputies of Ternopol Regional Council make official and public decisions containing defamatory and discriminatory accusations of the UOC religious organization – the Holy Dormition Pochayev Lavra. In fact, one of the decisions made at the council sessions pointed to the following: "…the focal centre of anti-Ukrainian activity and inter-religious conflict…– the Pochayev Lavra of Holy Dormition. Under the "canonical" guise the Ukrainian Orthodox Church of Moscow Patriarchate actually intends to russify the Ukrainian population assisting the invaders."

In July 2016 a peaceful procession was held in Ukraine – All-Ukrainian Cross Procession with over 80 thousand believers of the Ukrainian Orthodox Church participating in it. Despite a peaceful character of the religious procession, it was subject to discriminatory attacks, hate speech, forceful obstacles and other actions, including those characteristic of gravest criminal offences. The above listed urges and remarks were not at all condemned or counteracted by the state bodies, which created favorable conditions for committing offences with regard to the Cross Procession participants such as threats to damage property and inflict physical injuries[6].

3. Church seizures, arsons and plundering

Over the period of 2014-2017 across the territory of Ukraine there have been undertaken over 70 open assaults of worship buildings which belong to the Ukrainian Orthodox Church, mostly in Rovno, Ternopol and Volyn regions. The precise number of conflicts which have not grown into forceful seizures is not known, however, they exceed several hundred incidents. A considerable part of raids ended up with an actual takeover of temples and their further transfer

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[1] www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

[2] https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=256253&year=2015#wrappper, http://news.church.ua/2016/11/12/v-gosdepartamente-ssha-soobshhili-o-narusheniyax-prav-veruyushhix-v-ukraine/?lang=ru

[3] Information message of the OSCE mission on the results of observation of the grips of churches of the UOC and other conflicts in the religious sphere in Ukraine www.potiktor.com/english

[4] https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/adf_international_upr28_ukr_e_main.pdf

[5] https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/a_hrc_wg.6_28_1.13.pdf

[6] Refer to the Reply of the UOC Chancellor dated 2016: http://news.church.ua/2016/12/31/zvit-keruyuchogo-spravami-ukrajinskoji-pravoslavnoji-cerkvi-za-2016-rik/

into disposal by religious organizations of the Kiev Patriarchate. Another part of worship buildings remains sealed, including upon the agreement of conflicting parties or by virtue of decisions taken by local authorities.

Despite numerous facts of filing applications by the UOC communities to the law enforcement authorities on perpetration of criminal offences against these communities are not investigated.

The current situation of outspoken discrimination of the UOC and failure of the authorities to respond to overt cases of perpetrating crimes has led to a criminal upsurge relating to the UOC property. For example, in 2016 only in one Kiev eparchy the unknown persons committed acts of arson and desecration with 5 UOC temples. In October 2016 Chancellor of Sarny diocese Metropolitan Anatoly of Sarny and Polesye addressed the President of Ukraine with a request to defend UOC temples in Rovno region against desecration and assaults of vandals. In 2015 year over 20 acts of vandalism and looting were committed in Rovno region.

4. Dynamic actions of the state power bodies on discrimination of the UOC rights.

In an array of cases public authorities were openly supportive of the UOC-KP confession adherents in the conflict situations, resorting to a legal and forceful action in favor of the Kiev Patriarchate. In fact, in the wake of attempts to raid a church in Kuty village of Kremenets district of Ternopol region, Ternopol Regional Council filed a suit to the court on withdrawal of the ownership of the Ukrainian Orthodox Church community in Kuty village.

Additionally, after the beginning of the military strife in Ptichya village, Rovno region, a state body – the village council – made a decision to establish an alternate use of the church building together with the community of the Kiev Patriarchate despite the fact the UOC community had the property right to the building. After this decision had been cancelled by the court, law enforcement bodies initiated a criminal proceeding upon the risk of temple destruction by non-identified persons and applied to the court to arrest the temple building as evidence on the case. This request was satisfied by the court, as a consequence of which the temple was sealed by the law enforcement representatives with a view toprohibiting the temple owner – UOC community – to use their property. The described legal strategy was caused by the four court rulings in favor of the UOC community and arose from the local judicial branch using its authorities upon a legal address, which does not foresee the community's right to challenge a decision of local courts within the national legal system. The UOC community of Ptichya village lodged a respective complaint upon the matter with the European Court for Human Rights.

An active position was taken by the state law enforcement bodies in Katerinovka village of Ternopol region, having employed rubber truncheons and physical force toward peaceful believers who had gathered to defend their rights and 14 of whom eventually suffered bodily damage, including fractured limbs and severe head injuries. Among the aggrieved were women, elderly people and students. Upon these actions of the law enforcement authorities the prosecutor's office in Ternopol region opened a criminal case, which has not yet resulted in bringing any of the persons involved to justice.

Besides, an executive committee of Zhitomir city council "with a view to preventing clashes and conflicts between participants of civil assemblies" turned to the court having an intention to change the itinerary of the religious column of All-Ukrainian Cross Procession. The administrative court of Zhitomir resolved to decline the consideration of the legal claim of the executive committee of Zhitomir city council to Zhitomir UOC diocese on restrictions of the Cross Procession[7].

22.07.2016 Borispol city council adopted a decision "On prohibition of the Cross Procession of peace of the Ukrainian Orthodox Church (Moscow Patriarchate) through Borispol city"[8]. Albeit this body is not empowered to restrict peaceful processions, this decision was subsequently used by the UOC opponents to create forced obstacles for the Cross Procession participants.

5. Overt calls to commit crimes against the UOC

[7] http://rian.com.ua/society/20160719/1013361891.html

[8] https://www.facebook.com/permalink.php?story_fbid=943059639149596&id=715896135199282

Calls of radical groups to commit crimes against the UOC and seize its churches galvanized at the end of 2017 / early 2018. In particular, during the seizure of a church in Kolomiya village, representatives of radical organizations were calling for the persecution of believers on the basis of their affiliation to the UOC.
In 2018, radical group "C14" has committed a number of overt crimes against the believers of the UOC by:

- organizing a manifestation near the Kiev-Pechersk Lavra, during which the faithful of the UOC were publicly called "agents of the FSB and the Kremlin". The radicals also demanded to withdraw a building of the monastery from the possession of the UOC. These slogans were publicly demonstrated.
- publicly damaging the property of the Desyatinny Monastery in Kiev, destroying part of the fence of the monastery. Some unknown persons made an attempt to set the church building on fire using an incendiary mixture. The suspects of the arson were detained by the police.
- attacking the office of the Union of Orthodox Journalists, who cover in their publications the facts of human rights violations against the UOC.

In accordance with the established rules of procedure of the UN Human Rights Council, following the above mentioned violations, both individual and collective complaints were submitted by the faithful and religious organizations of the UOC for the period of 2015-2017.

In connection with what has been stated, we express our utmost concern about the situation that threatens to undermine religious peace in Ukraine. We call on the international community and responsible human rights bodies to immediately intervene into the evolving religious confrontation in Ukraine.

We strongly emphasize the real threat of massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.